

Making the Pledge to Hire Lawyers with Disabilities

Second Annual Conference on the Employment of Lawyers with Disabilities

June 16, 2009
Marriott Wardman Park Hotel, Washington, DC

Disability Information from NALP

NALP has two types of data on lawyers with disabilities — one for law graduates with disabilities and one on the presence of lawyers with disabilities in law firms. The first type comes from NALP's Employment Report and Salary Survey — an annual survey of the nationwide law school graduating class. This survey, which is the source of the data for the charts and tables on pages 2-4 of this handout, asks about the disability status of each graduate. In the instruction booklet provided to law schools for this survey, a disabled individual is defined as “anyone who has a physical or mental impairment that substantially limits major life activities such as walking, talking, breathing, or working.” The survey provides checkboxes to identify specific types of disability (hearing or vision, for example), but the small number reported in any one category has not permitted analysis by disability type.

NALP's second source of information on lawyers with disabilities is its annual *NALP Directory of Legal Employers*. Employers who list in this directory are encouraged to ask their lawyers to self-identify by demographic characteristic — including disability status. NALP is thus able to analyze the aggregate number of lawyers with disabilities reported in a given annual directory. Page 5 of this handout and the article on pages 6-8 refer to those findings.

In addition to its research-based publications, NALP also provides information on career planning and legal hiring issues. One of NALP's booklets — *Interviewing Tips for Law Students with Disabilities and Employers Who Recruit Them* — is reproduced as part of this handout.



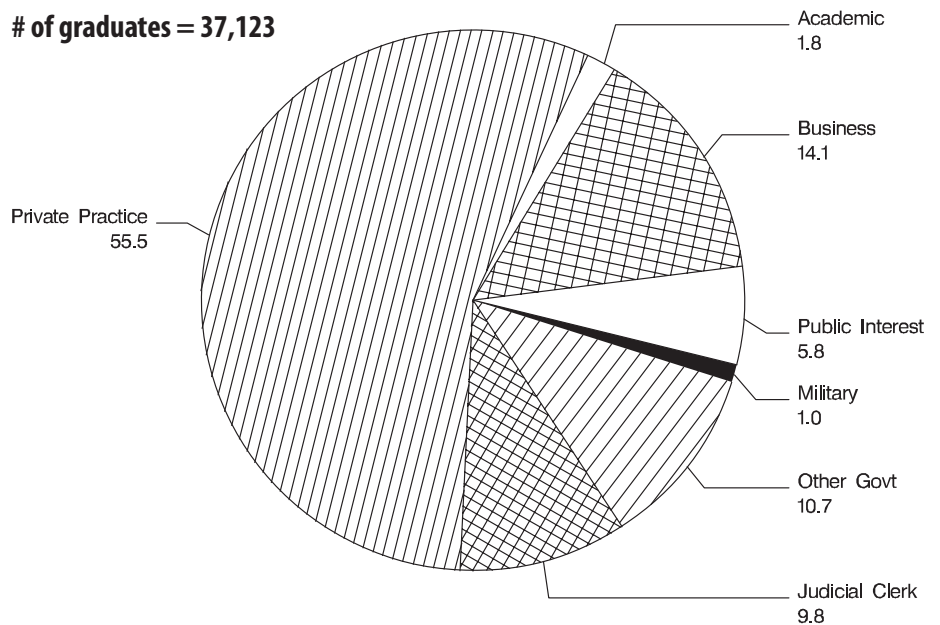
Initial Employment by Type of Employer

Class of 2007 — As of February 15, 2008

Almost 93% of all Class of 2007 graduates from ABA-accredited law schools reported employment status in NALP's annual Employment Report and Salary Survey.

According to ABA statistics, the Class of 2007 included 43,518 graduates from 197 ABA-accredited law schools. Of these, 41,707 graduates from 186 schools provided answers to at least one of NALP's survey questions, and 40,416 (or 92.9% of the Class) reported their general employment status.

of graduates = 37,123



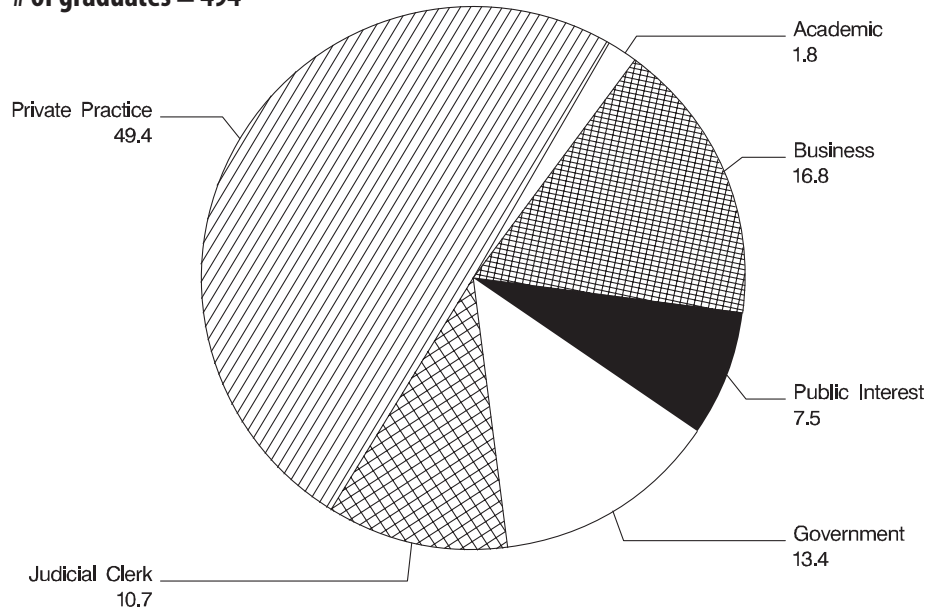
Note: Figures in this chart reflect all job types — both legal and other. For clarity, the category for unknown employer type, representing 1.2% of jobs, is not shown.

Initial Employer Types — Disabled Graduates

Class of 2007 — As of February 15, 2008

As a comparison of the pie chart at right with the pie chart above shows, disabled graduates were less likely to obtain jobs in private practice than the Class of 2007 as a whole — and more likely to obtain government and public interest positions.

of graduates = 494



Note: Full-time jobs only. For clarity, the category for unknown employer type is not shown.

As the two tables below indicate, disabled law school graduates are less likely to be employed as of February 15 following graduation than their class as a whole, and those who are employed are somewhat less likely to be employed in a job that requires a JD and bar passage.

Employment Status — By Gender, Minority Status, and Disability Status

	Bar Passage Required	JD Preferred	Other Professional	Non-Professional	Total Employed	Pursing Advanced Degree Full-Time	Seeking a Job	Not Seeking a Job	# of Graduates*
All Women	77.7%	7.7%	4.3%	1.3%	91.7%	2.1%	4.1%	2.1%	19,087
All Men	76.3	7.8	5.7	1.4	92.0	2.5	4.1	1.3	21,039
All Minorities.....	73.4	8.9	5.5	1.3	90.3	2.3	5.3	2.1	8,548
Women	74.3	8.8	5.0	1.1	90.4	2.0	5.2	2.4	4,844
Men	72.4	8.8	6.2	1.6	90.3	2.8	5.3	1.7	3,660
All Non-minorities.....	78.3	7.4	4.8	1.3	92.4	2.2	3.8	1.5	28,715
Women	79.2	7.2	4.0	1.3	92.4	2.0	3.6	2.0	12,918
Men	77.5	7.5	5.5	1.3	92.5	2.4	3.9	1.2	15,692
Disabled Graduates ..	65.0	11.4	6.9	1.9	86.1	3.6	7.4	3.0	638

Note: Total employment includes employed graduates for whom job type information was not reported. Figures are as of February 15, 2008.

* For whom employment status and the appropriate demographic information was reported.

Disabled Graduates: Employment Status Trends Over the Last Seven Years

Class of:	Bar Passage Required	JD Preferred	Other Professional	Non-Professional	Total Employed	Pursing Advanced Degree Full-Time	Seeking a Job	Not Seeking a Job	# of Graduates*
2001	57.9%	10.6%	8.8%	2.3%	81.1%	2.1%	12.1%	4.7%	387
2002	62.0	4.9	6.6	4.1	80.3	1.9	12.7	5.1	411
2003	55.0	12.0	6.5	3.3	78.7	5.2	11.2	4.9	367
2004	55.3	11.6	7.3	2.6	77.8	3.1	12.5	6.6	423
2005	61.4	7.7	6.2	3.1	79.0	1.8	14.5	4.6	453
2006	61.0	11.1	6.7	2.0	81.1	2.2	9.7	7.1	539
2007	65.0	11.4	6.9	1.9	86.1	3.6	7.4	3.0	638

Note: Figures are as of February 15 following graduation.

* For whom employment status and the appropriate demographic information was reported.

Starting Salaries by Gender, Age at Graduation, Law School Division, and Disability Status

	PERCENTILE			90% of All Salaries Fell in the Range:	Mean	# of Salaries Reported
	25th	Median	75th			
AGE AT GRADUATION AND GENDER:						
All Women	\$48,000	\$62,500	\$125,000	\$37,000 - 160,000	\$83,425	11,162
Ages 20 - 25	47,000	60,000	125,000	36,000 - 160,000	82,251	4,038
Ages 26 - 30	48,000	65,000	130,000	37,500 - 160,000	84,910	4,633
Ages 31 - 35	50,000	65,000	120,000	38,500 - 160,000	84,021	775
Ages 36 - 40	46,487	61,420	98,500	32,000 - 160,000	77,333	268
Ages 41 - 45	47,582	55,000	80,000	34,450 - 160,000	70,168	142
Ages 46+	48,000	60,000	95,000	37,500 - 160,000	75,817	117
All Men	50,000	70,000	135,000	39,000 - 160,000	89,060	12,045
Ages 20 - 25	50,000	67,750	135,000	38,834 - 160,000	87,995	3,420
Ages 26 - 30	50,000	70,000	135,000	39,179 - 160,000	88,712	5,417
Ages 31 - 35	52,000	80,000	135,000	39,179 - 160,000	92,349	1,287
Ages 36 - 40	50,000	80,000	125,000	38,000 - 160,000	89,938	391
Ages 41 - 45	56,000	79,000	120,000	40,000 - 160,000	92,643	141
Ages 46+	54,470	76,000	120,000	39,179 - 160,000	88,919	124
LAW SCHOOL DIVISION AND AGE AT GRADUATION:						
Full-time	50,000	65,000	135,000	37,500 - 160,000	86,696	21,126
Age 30 or younger	50,000	65,000	135,000	38,000 - 160,000	86,959	18,120
Age 31 or older	48,000	62,500	107,000	35,000 - 160,000	79,839	768
Part-time	50,000	68,000	100,000	38,900 - 160,000	82,014	1,768
Age 30 or younger	50,000	65,000	100,000	38,000 - 160,000	78,608	1,204
Age 31 or older	55,000	80,000	120,000	39,179 - 160,000	90,101	404
DISABLED GRADUATES:...	45,000	57,000	96,000	35,700 - 160,000	75,096	321

Note: Figures are based on full-time jobs only. The median is the mid-point in a ranking of salaries reported. However, because so many reported salaries are identical and especially cluster at round dollar amounts, such as \$50,000, the median should generally be interpreted as the point at which half the salaries are at or above that figure and half are at or below it. The range of salaries delineated by the 25th and 75th percentiles represents the middle range of salaries in the ranking. Because of clustering, however, all of the salaries falling into the reported range may be slightly more than half the salaries. The mean, or average, salary reflects this clustering since frequently reported salaries have more weight in determining the average than do infrequently reported salaries. Nonetheless, averages are subject to skewing by unusually high (or low) salaries, particularly if the number of salaries on which the average is based is relatively small. An average that substantially exceeds the median is an indication of such skewing.

NALP Research:

Reported Number of Disabled Lawyers Remains Small

by Judith N. Collins

Of the approximately 108,000 lawyers working for private law firms for whom disability information was reported in the *2008-2009 NALP Directory of Legal Employers* (NDLE), just 219, or 0.20%, were identified as disabled, as shown in the table below. About 18% of offices chose to report “not collected” or “unknown” for disabled counts. Among the offices collecting the information, about 13% reported at least one disabled lawyer, but only a handful reported at least one disabled summer associate. In fact, out of more than 11,000 summer associates, only 8 were reported as disabled.

The numbers of lawyers who are reported as disabled do not seem to vary in any systematic way either by firm size or by associate/partner status. The numbers reported are very low and percentages are about 0.20% overall.

Reporting of Lawyers with Disabilities in the 2008-2009 NALP Directory of Legal Employers

	All Firms		Firms of 100 or Fewer Lawyers		Firms of 101-250 Lawyers		Firms of 251-500 Lawyers		Firms of 501-700 Lawyers		Firms of 701+ Lawyers	
	# Reported	% of Total	# Reported	% of Total	# Reported	% of Total	# Reported	% of Total	# Reported	% of Total	# Reported	% of Total
Partners	109	0.22	14	0.18	36	0.26	16	0.15	24	0.46	19	0.16
Associates	84	0.17	3	0.06	10	0.13	13	0.13	13	0.21	45	0.25
All lawyers	219	0.20	22	0.16	50	0.19	35	0.15	39	0.31	73	0.22

Note: Figures for lawyers with disabilities are based on 1,286 offices/firms reporting counts, including zero, in all lawyer categories. Overall, counts of disabled individuals, including zero, cover 108,447 lawyers and 11,099 summer associates. Because so few disabled summer associates were reported (8 total), they are not included in the table.



Vol. 20, No. 11
November 2008

BULLETIN

Recruiting Lawyers with Disabilities: **A MISSED OPPORTUNITY?**

BY STUART D. SMITH



The United States Department of Justice alone reported 249 attorneys with disabilities (more than reported by all private employers combined).

Reported number of disabled lawyers remains small —
pages 8-9

For a number of years, NALP has asked legal employers included in the *NALP Directory of Legal Employers* to report how many lawyers with disabilities they employ. The issue of hiring lawyers with disabilities is near and dear to my heart because my best friend from college, who has always walked with crutches, had a hard time finding legal employment. Potential employers 20 years ago questioned her ability to retrieve case reporters from the highest shelves, unaware that computers were already making books obsolete. They also questioned her ability to travel. Later in her career, she worked as a special education hearing officer and mediator in California and spent most weeks flying to different parts of the state.

Stuart Smith is the Director of Legal Recruitment for the New York City Law Department.

If law firms are accurately reporting the number of lawyers with disabilities they employ, it appears that the profession has not progressed far in the past 20 years. According to the *2008-2009 NALP Directory of Legal Employers*, out of the 108,477 private law firm attorneys for whom disability information was reported, only 219, or 0.22%, self-identified as disabled. (See pages 8-9 of this issue for more information.) The numbers for public sector employers are somewhat better. The United States Department of Justice alone reported 249 attorneys with disabilities (more than reported by all private employers combined) — and for the DOJ that was 2.6% of its 9,719 attorneys. My employer, the New York City Law Department, reported 11 attorneys with disabilities out of 651 attorneys or 1.7%.

Continued on page 6

The statistics pose a glaring question: why are so few lawyers with disabilities being reported? It seems unlikely that there are only a handful of disabled people practicing law. The Census Bureau reports that 18% of the population has some disability (<http://www.census.gov/hhes/www/disability/sipp/disab02/awd02.html>). It may be that law firms are not posing the question to their lawyers – or are just reporting those in their offices with visible disabilities. Another possibility is that lawyers with disabilities are reluctant to self-identify for fear of being stigmatized.

Why is accurate reporting of lawyers with disabilities important? Because law students with disabilities may be discouraged from pursuing legal careers if they do not see any disabled attorneys practicing. And, once they arrive at a law firm, they may feel intimidated from asking for reasonable accommodations that would permit them to better perform their jobs.

SOME LEGAL BACKGROUND

In 2006, the United States Equal Employment Opportunity Commission (EEOC) issued a fact sheet entitled “Reasonable Accommodations for Attorneys with Disabilities” (<http://www.eeoc.gov/facts/accommodations-attorneys.html>). The report is a useful guide to recruiters as to our obligations to provide accommodations during the recruitment and interviewing process. The fact sheet also makes a point worth stressing to hiring committees: providing reasonable accommodations to lawyers with disabilities does not mean exempting them from a firm’s performance standards, such as minimum billable hours.

The EEOC also encourages employers to “create a climate in which lawyers will request needed accommodation.” Suggestions include making sure employees and managers know that law firm policy supports full compliance with the Americans with Disabilities Act and publishing policies and procedures on how requests for accommodation will be handled.

I found that the average length of stay of these attorneys was much longer than for the average attorney in our office. The result is that these attorneys are often doing the most sophisticated work in the office.

Our office asks all candidates if they will need an accommodation once they have accepted an offer of employment. By asking the question six to eight months before an attorney arrives, we have time to investigate options and to make more structural changes, such as changing doors or bathrooms.

The newest legislative news is the ADA Amendments Act of 2008, which may help to increase the number of disabled attorneys because it rejects Supreme Court precedent and EEOC regulations that narrowly interpreted the definition of disability.

PROFILES

In preparation for this article, I interviewed six of our attorneys who self-identified as disabled. I had hoped to show a wide range of visible and invisible disabilities. I also hoped to show that attorneys with disabilities performed at the same level as their peers and that the accommodations requested were not burdensome on their employer. In conducting my interviews, in fact, I found all this to be true. But more interesting, I found that the average length of stay of these attorneys was much longer than for the average attorney in our office. The result is that these attorneys are often doing the most sophisticated work in the office.

The most severely disabled attorney in our office, Michael Wasser, was born with muscular dystrophy. Michael is functionally a quadriplegic, meaning that in addition to not being able to stand or walk, he has very limited use of both of his arms. Michael can control his

motorized wheelchair and use voice recognition software and has a limited ability to use a mouse and keyboard. He has publicly funded attendant care to help him with activities of daily living, paid for by a



Social Security program that provides essential services to help people with disabilities remain employed. Despite his physical limitations, Michael graduated Phi Beta Kappa from Brooklyn College, and when thinking about a career, realized that his disease would eventually deprive him of his ability to do most things other than think and talk. Becoming a lawyer was thus the obvious career choice.

Upon graduation from Brooklyn Law School in 1999, Michael joined the Law Department. The accommodations he has asked for have been surprisingly limited – a special arrangement of furniture in his office to give him room to navigate his wheelchair, a bit more secretarial and filing assistance than the average junior government attorney would normally receive, and the purchase of special equipment to help him evacuate the building in case of an emergency. Michael works on the acquisition of land for public projects, including land for the new Yankee Stadium. His supervisor says that Michael is extremely creative in his work and very empathetic in dealing with the public. His ability to multitask is remarkable and he is an extremely valued member of his

division. In recognition of his professional success, the Muscular Dystrophy Association awarded him its 2005 National Personal Achievement Award.

In contrast to Michael, Mary Richman's disability is not visible to her colleagues or clients. She lives with Type I diabetes and a spine disease that causes constant pain.



When she was diagnosed with diabetes in 1983 and disclosed her diagnosis to her then employer, she received a lay-off notice. After she reminded her employer of her rights under federal law, the notice was rescinded and she was transferred to another unit. Mary joined the Law Department in 1989. The only accommodations she has asked for were a lock on her door, so she can have privacy when she takes blood tests, and no early morning meetings, so she can exercise before work to keep her blood sugar level stable. Her division chief says that Mary is among the most reliable attorneys in the division and works on the most sophisticated matters.

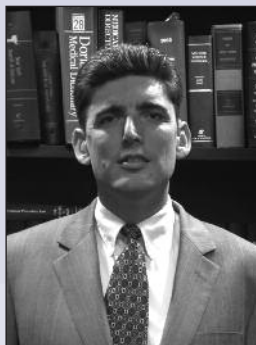
Andrea Cohen was first diagnosed with multiple sclerosis when she was transitioning from Shearman & Sterling to the Law Department in 1984.



Her symptoms include periodic flare-ups when she has trouble walking, but even on a normal day she still has issues with numbness and loss of agility and stamina in her legs. Because stress exacerbates MS symptoms, Andrea asked to be transferred to a division where she would have more control over her work flow. She also needs to take off periodically for medical visits. Her only other

accommodation is that she wears sneakers to walk to out-of-office meetings. Her supervisor says that Andrea, as one of the most senior attorneys in the division, handles the most complicated matters, including recent contract negotiations to bring video screens and credit card capability to New York City taxi cabs.

Michael Reddy, in our Tort division, has conducted jury trials virtually every day since 2000, despite suffering from a severe hearing loss. Although close to being legally deaf, Michael relies on modern hearing aids and his ability to read lips. The only accommodation he asks of the Court is to sit closer to the witness stand. His supervisor raves that "he's the most senior, experienced, outstanding trial attorney we have."



Joseph Bavuso works on acquiring property through condemnation for parks and wetland protection. He has limited use of his left arm and hand as a result



of Erb's palsy, a condition resulting from nerve damage in his shoulder during birth. Other than typing with one hand, he feels no restrictions in his work ability, and has asked for no accommodations since joining the Law Department in 1997. The Deputy Chief of his division calls him "by far, one of the best attorneys in the division." He handles a full case load, while supervising more junior attorneys and handles cases of "extraordinary complexity."

Janet Zaleon was born with a visual impairment known as nystagmus which causes involuntary rapid eye movements. She needs a magnifying glass to read small print and has trouble making eye contact. Computers



have made her life much easier, giving her the ability to increase the font size of the briefs she is drafting. Despite not being allowed to use her magnifying glass during the LSATs, she was admitted as a Root-Tilden Scholar at New York University School of Law. Graduating in 1983, she clerked for New York State's highest court and joined the Law Department 18 years ago in the Appeals division. Even with her visual impairment, she works on the largest document cases, reviewing thousands of pages for a single appeal. Her supervisor says that Janet is the lawyer she relies on the most in complex, large record cases and to handle emergency motions. Janet writes about 24 appellate briefs a year, making her one of the more productive attorneys in the division.

The lesson for legal recruiters and hiring committees is that they should not be afraid when a qualified job applicant with a visible disability appears on the doorstep. These are people who have gotten through, and often excelled, in college and law school despite whatever physical limitations they may have. In our office, the accommodations they have required have been modest. And, in part because of their long tenures with us, they have developed into some of our most successful attorneys. ■

PHOTOS BY THOMAS L. DOWLING.

Print copies of this 20-page booklet are available from the online bookstore at www.nalp.org. A PDF for one-time use can be ordered by calling NALP at 202-835-1001.

Interviewing Tips

*for Law Students
with Disabilities*

*and Employers
Who Recruit Them*



What are disabilities?	4
What are essential functions?.....	4
What is reasonable accommodation?	6
Pre-interview preparation.....	7
■ What should law students with disabilities do?	7
■ What should employers do?.....	9
Conducting and participating in the actual interview	11
■ What should law students do?	11
■ What should employers do?.....	12
■ Preparing for and conducting effective job interviews — advice from The Office of Disability Employment Policy of the U.S. Department of Labor	12
How do I know if a work site is accessible	15
Post-Interview follow-up	16
■ What should law students do?	16
■ What should employers do?.....	16
Selected resources	17

According to the latest available information from the ABA's Commission on Mental and Physical Disability Law GOAL IX 2006, there were 1,126 lawyers with disabilities out of 344,757 in October 2003. However, the ABA Section of Legal Education and Admissions to the Bar reported there were 3,464 JD students in 2005 who were provided accommodations out of a JD population of 149,298.

While these statistics under-represent the true population of lawyers and law students with disabilities (some individuals do not disclose this information), the numbers portend dramatic changes for the legal marketplace. Students entering the workforce and their potential employers need to prepare for those changes. Both job applicants and employers must become knowledgeable of specific essential functions in all relevant jobs and use that information to meet the challenging staffing requirements of the 21st Century and beyond.

This booklet is not intended as legal advice but rather raises issues for both law students or graduates with disabilities and their potential employers to consider during the job interview process.



Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Disabilities are major physiological disorders or mental or psychological disorders that significantly limit or restrict major life activities such as hearing, seeing, speaking, walking, breathing, doing manual tasks, caring for yourself, learning, or working.

Under the ADA, you have disabilities if (1) you have a *physical or mental impairment* that substantially limits a *major life activity*; or (2) you have a history of such a disability; and/or (3) an employer believes that you have such a disability, even if you do not.

What are essential functions?

Essential functions are the *fundamental job duties that you must be able to perform on your own or with the help of reasonable accommodation*. They do not include any marginal functions of a position. An employer cannot refuse to hire you because your disability prevents you from doing duties that are *not* essential to the job.

Understanding the *essential functions* of a job is critical for both the employer and the candidate during the interview process. Title I of the ADA states that “consideration shall be given to the employer’s judgment as to what functions of the job are essential.” Also, Congress authorized the Equal Employment Opportunity Commission (EEOC) to issue guiding regulations to help clarify this important factor. According to EEOC regulations, a duty may be considered essential when “the job exists to perform the function; a limited number of employees can perform the function; and/or the function is highly specialized so the incumbent is hired because of his or her expertise to perform the function.”

A list of essential functions is often difficult for job candidates to obtain. Under the ADA, employers are not required to prepare written job descriptions. However, to avoid surprises and provide documentation in the event of legal challenges, employers may wish to carefully evaluate and announce what they consider essential functions of the job before the interview. In one case, for example, when an applicant disclosed a disability during the final stage of what had been favorable interviews, the employer suddenly added an essential function. The function was disqualifying but had never been revealed to the applicant or evaluated by the employer in earlier interviews. The employer offered no accommodation.

Presently, many legal employers, especially small to mid-sized law firms, do not prepare written job descriptions before advertising or interviewing applicants. However, this may change as increasing numbers of qualified law students with disabilities enter the employment pool.

What is reasonable accommodation?

The ADA states: “Reasonable accommodation is any modification or adjustment to a job or work environment that will enable a qualified applicant or employee with a disability to participate in the job application process or to perform essential job functions. Also, it includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those enjoyed by employees without disabilities.”

For example, reasonable accommodation may include the following actions:

- providing or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials, or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

The ADA requires an employer to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an *undue hardship* (significant difficulty or expense).

However, fears of high accommodation expenses appear unfounded based on comments made by W. Roy Grizzard, Ed. D. Assistant Secretary U.S. Department of Labor on June 20, 2006. He said, “. . . almost half of the accommodations that are needed actually cost nothing, and those accommodations that do have a cost typically cost \$600.00.” (<http://www.dol.gov/odep/media/speeches/diversitynyc.htm>)

The following pages offer tips for both law students with disabilities and employers on every stage of the interview process:

- 1. Pre-interview preparation**
- 2. The actual interview**
- 3. Post-interview follow-up**

Pre-interview preparation

What should law students with disabilities do before the interview?

Set a goal: What do you want to accomplish?

During first interviews, which employers usually conduct to screen candidates, your goal may be to obtain a call-back or office visit interview. If the interview is a call-back interview, your goal may be to obtain the position. Decide what you expect beforehand.

At this stage you should consider when or whether to *disclose* your disabilities. The ADA does *not* require that you disclose your disabilities at all, and the law prohibits pre-employment interviewers from asking you about your disabilities. However, if you will need some form of accommodation to perform the essential functions of the position or want to point to job-related strengths you have acquired as a result of living with a disability or participating in disability related organizations, you may choose to disclose your disability at any of the following points in the interview process:

- on your résumé,
- in your cover letter,
- during an interview,
- pre- or post-offer, or
- post acceptance.

Think about it now, especially if you have visible disabilities. The choice of when to disclose is yours.

Become informed: Research the position and the organization. Decide disclosure issues.

This is your time to engage in discovery. What are the essential functions of the position? Seek this information from your career services office, previous employees, alumni, and the firm itself. This is critical. Once you know the essential functions,

you can develop answers that show your abilities, skills, and experience and be prepared to be an advocate for yourself.

In addition to reviewing information about the position, you will need to learn about the organization. Obtain and study the organization's résumé or recruitment literature. Review their web site. Develop talking points that reflect your "fit" in the organization. Do not stop there. You should also:

- Conduct informational interviews with knowledgeable people.
- Find out if the firm employs any people with disabilities. One of many places to look for this information is in the *NALP Directory of Legal Employers*, available at <http://www.nalpdirectory.com>. You should ask your career services office if your school participates in the Workforce Recruitment Program for College Students with Disabilities (WRP) because WRP is a source of information on employers who may be interested in you. (Log on to <http://www.dol.gov/odep/programs/workforc.htm>.) Also, register to attend the annual IMPACT Career Fair for Law Students and Attorneys with Disabilities in Washington, DC (<http://www.law.arizona.edu/Career/Impact/welcome.cfm>).
- Visit the on-campus interview space. Ask your law school career office for a tour. Inform them of any accommodations you may need. Some career offices provide accommodations through the campus disability services office.
- Do a "dry run" if an interview will be conducted off-campus. What is the parking and public transportation situation? Is the office accessible? Can you really use the restroom, a company cafeteria, or coffee shop? Does the building have an emergency evacuation plan?
- If you will need some form of accommodation, determine what it is. How much does it cost, and is it available? Visit the adaptive technology center on your campus, if available, and familiarize yourself with ways to use technology for research and/or oral and written communication.
- Practice answering questions in a mock interview.
- Review your résumé.
- Review your choice of clothing for the interview.

Finally, talk to knowledgeable people about your disclosure issues. Some career services offices and most disability services offices have resources you may use.

*What should **employers** do before the interview?*

Set a goal: What do you want to accomplish?

Plan to hire the best qualified candidate(s), including law students with disabilities.

Become informed: Review the job descriptions for the positions for which you will conduct interviews.

- Become an expert on the essential functions of the position(s). Determine if your organization has made the position information available to all applicants. If not, ensure that the information is made available. Is the information available in multiple formats such as Braille, large print, audiotape, and electronic file?
- Rehearse questions you will ask each candidate.
- Review the questions you may legally ask under ADA and EEO guidelines.
- Read *The ADA: Your Responsibilities as an Employer* at <http://www.eeoc.gov/facts/ada17.html>.
- Review the precedents and practices of your organization. Does your organization have any employees with disabilities? If so, what accommodations, if any, has it made for them and at what cost?
- What is your organization's general attitude toward hiring law students with disabilities?
- Does your firm or organization participate in the annual IMPACT Career Fair for Law Students and Attorneys in Washington, DC? This Fair typically occurs in September. Although hosted by the Georgetown University Law Center and the University of Arizona James E. Rogers College of Law, this Fair attracts students, attorneys, and employers from across the country. For more information, go to <http://www.law.arizona.edu/Career/Impact/welcome.cfm>.
- Is your office interview space accessible and barrier free?
- If you take applicants to lunch or dinner, are the transportation mode and

location accessible for persons with disabilities? Will the setting be difficult for a person with a hearing impairment because of the background noise?

- Are planned activities accessible for summer clerks with mobility impairment?
- Have you interviewed a person with a visible disability? Assess ways to ensure mutual comfort levels.
- Visit the law school or university disability services office to learn about their efforts to help students with disabilities find employment.
- Conduct a mock interview with a lawyer/employee with a disability to gain experience. Contact your local bar association or the Commission on Mental and Physical Disability Law at (202) 662-1570 for assistance in this effort.

Conducting and participating in the actual interview

What should law students do?

- Arrive early, but no more than ten minutes before your interview.
- Be positive. Remember that you have as much responsibility for setting the tone and for building a rapport as your interviewer.
- Take the initiative to tell the interviewer how you can do the essential functions of the job, with or without accommodations. Provide examples of specific accomplishments, achievements, and job contributions.
- Be prepared to counter false assumptions about people who have a disability like yours. Put the interviewer at ease by focusing on what you can do.
- Educate the interviewer about your skills, talents, abilities, and accomplishments so that he or she will know you are an able, creative, courageous, professional, self-accepting law student with a disability who can do the essential functions of the job.
- Bring extra copies of your résumé to the interview, along with transcripts, references, and letters of recommendation.
- If you decide you want the job, be sure to communicate that fact. Tell the interviewer how interested you are and reiterate key reasons you think you are a good “fit” for the position.
- Finally, at the end of the interview, find out the follow-up process, repeat your interest in the position, ask for the interviewer’s business card, offer to shake hands, smile, and say goodbye.

*What should **employers** do?*

- Ask questions that determine the person's ability and/or experience. For example, you may say, "This position requires you to draft pleadings, agreements, and other documents. Tell me about a time when you had to perform such work or how you would do such work."
- Consider the person and not the disability.
- Recognize that typical interview cues may not apply while interviewing some people with disabilities. For example, some students may be unable to return a firm handshake or make eye contact. If these are not essential functions of the job, then they are not relevant.

The Office of Disability Employment Policy of the U.S. Department of Labor offers the following advice to employers on preparing for and conducting an effective job interview. (These guidelines may also be found at <http://www.dol.gov/odep/pubs/ek99/jobinter.htm>.)

Accommodating Persons with Disabilities

Hiring the right person for the right job starts with conducting an effective job interview. As in any interview, you are interviewing a person with skills and abilities to determine if that individual is the best fit for your job opening. The following guidelines ensure that persons with disabilities are afforded a fair and equitable opportunity to present their job qualifications.

Preparing for the Interview

1. Your company's application and interviewing procedures should comply with the Americans with Disabilities Act (ADA). The ADA

prohibits disability related questions or medical exams before a real job offer is made.

2. Make sure your company's employment offices and your interviewing location(s) are accessible to applicants with mobility, visual, hearing, or cognitive disabilities.
3. Be willing to make appropriate and reasonable accommodations to enable a job applicant with a disability to present himself or herself in the best possible light. When setting up the interview explain what the hiring process involves and ask the individual if he or she will need reasonable accommodations for any part of the interview process. For example, if a person who is blind states he or she will need help filling out forms, provide the assistance; provide an interpreter for an applicant who is deaf, if he or she requests one; provide details or specific instructions to applicants with cognitive disabilities, if this type of accommodation is required.
4. Do not let a rehabilitation counselor, social worker or other third party take an active part in or sit in on an interview unless the applicant requests it.
5. Make sure that all questions asked during the interview are job-related. Speak to the essential job functions regarding the position for which the applicant is applying, as well as why, how, where, when, and by whom each task or operation is performed. Do not ask whether or not the individual needs an accommodation to perform these functions, because such information is likely to reveal whether or not the individual has a disability. This is an ADA requirement to ensure that an applicant with a disability is not excluded before a real job offer is made.

Conducting the Interview

1. Relax and make the applicant feel relaxed. Don't be afraid of making mistakes. At the same time, remember that candidates (particularly those applying for professional positions) are expected to assume an equal share of the responsibility for making your interaction with them successful.
2. Do not speculate or try to imagine how you would perform a specific job if you had the applicant's disability. The person with a disability has mastered alternate techniques and skills of living and working with his or her particular disability. If the applicant has a known disability (either because it is obvious or was revealed by the applicant) the employer may ask an applicant to describe how he or she would perform a certain job function if it is an essential part of the job. In addition, the employer may ask the individual if he or she needs reasonable accommodations and if so what type of accommodation. Remember, all questions should be job-related and asked in an open-ended format.
3. Concentrate on the applicant's technical and professional knowledge, skills, abilities, experiences, and interests, not on the disability. Remember, you cannot interview a disability, hire a disability, or supervise a disability. You can interview a person, hire a person, and supervise a person.
4. Disability related questions and medical examinations are prohibited under ADA at the pre-employment offer stage. After a real job offer is made, the offer may be conditioned on the results of disability related questions and/or medical examinations, but only if the examination or inquiry is required for all entering employees in similar jobs and only if all medical information is kept confidential. Disability related questions and medical examinations at the post-offer stage do not have to be related to the job. However, if the offer is withdrawn,

the employer must show that the individual could not perform the essential function of the position or would pose a direct threat.

5. If testing is part of the interview process, make sure the test does not reveal information about physical or mental impairments (i.e., make sure it is not a medical examination.) Other tests that demonstrate the applicant's ability to perform actual or simulated job tasks are permitted under the ADA. Inform the applicant before the interview that a test will be part of the interview process. The applicant can then request an accommodation such as a different format for written tests.
6. If you are not prepared to make a commitment to hire an applicant immediately, the usual reasons given to applicants who are not hired at the close of the interview apply: "Thank you for coming in, we will notify you in a few days of our decision," "It will be necessary for you to talk with the supervisor in charge of that department," "The boss isn't available today," and so on.

How do I know if a work site is accessible?

The following are some questions to keep in mind when determining physical accessibility:

- Are there designated parking spaces for persons with disabilities that are close to the entrance of the work site?
- Is there a pathway without abrupt level changes or steps that leads from the parking area to the entrance?
- If ramps are used to provide access, are they appropriately graded and are handrails provided?
- Are the doors wide enough (36 inches) for people using wheelchairs? Are they easy to open (e.g., not excessively heavy, with easily grasped handles, or automatic)?
- Is the personnel office in an accessible location?
- Are pathways to the bathroom, water fountain, and public telephone accessible? Can people with disabilities use them?
- Are elevators accessible to all persons with disabilities (e.g., control panels lower than 54 inches from the floor, raised symbols or numbers on the control panels)?
- Is all signage appropriate and accessible for persons with visual, learning, and cognitive disabilities (including the use of symbols and graphics)?
- Does the emergency warning system include both audible and visual alarms?

Post-interview follow-up

What should law students do?

- Send a well-written thank you note.
- Evaluate your performance after each interview by asking yourself:
 - Was I properly prepared?
 - Was I able to prove my ability to do the essential functions of the job?
 - Did I fit the culture the organization is trying to promote?
 - Did I sell myself and explain how I will go the extra mile?
 - Did I reach the next level in the process?

If you did not reach your desired interview goal, then note what comedian Bob Hope told Tony Coelho at a time when his career efforts had reached an impasse: “If you find your way blocked, find another route to get where you want to be. Don’t waste time wishing to be what you’re not. Just be what you are as perfectly as you can.” (SUNY-Potsdam Commencement Address, Potsdam, NY. May 25, 1997, Tony Coelho, former Chairman, President’s Committee on Employment of People with Disabilities, now the Office of Disability Employment Policy.) In other words, don’t give up. Your positive attitude and knowledgeable approach will lead to job offers because you have a proven record of accomplishments.

At the same time, if you find that you succeed in getting initial interviews but not in getting job offers or invitations to call-back interviews, consider consulting with a career services professional. Doing a mock interview so that a career counselor can critique your interviewing style may be helpful. While this booklet focuses on tips for law students with disabilities, you should, of course, also take advantage of all the job search advice at your disposal.

What should employers do?

Evaluate all of your interviewees on the basis of their abilities to do the essential functions of the position, and hire the best qualified applicant.

Selected Resources

■ American Association of People with Disabilities (AAPD)

1629 K Street NW, Suite 503
Washington, DC 20006
202-457-0046 (V/TTY)
800-840-8844 (Toll-Free V/TTY)
<http://www.aapd-dc.org/>

The largest national nonprofit cross-disability member organization in the United States, dedicated to ensuring economic self-sufficiency and political empowerment for the more than 56 million Americans with disabilities.

■ American Bar Association

Commission on Mental and Physical Disability Law

740 15th Street, NW, 9th Floor
Washington, DC 20005
202-662-1570
Fax: 202-662-1032
cmpdl@abanet.org

The Commission's mission is "to promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and to promote their full and equal participation in the legal profession."

■ Association on Higher Education & Disability (AHEAD)

P.O. Box 540666
Waltham, MA 02454
781-788-0003 (V/TTY)
Fax: 781-788-0033
ahead@ahead.org

AHEAD is the premiere professional association committed to full participation of persons with disabilities in post-secondary education.

■ ***CAREERS & the disABLED***

Equal Opportunity Publications, Inc.
445 Broad Hollow Road, Suite 425
Melville, NY 11747
631-421-9421
Fax: 631-421-0359
info@eop.com
<http://www.eop.com/cd.html>

Career guidance and recruitment magazine for people with disabilities who are at the undergraduate, graduate, or professional level. Each issue features a special Braille section.

■ **Career Opportunities for Students with Disabilities (COSD)**

The University of Tennessee
100 Dunford Hall
Knoxville, TN 37996-4010
865-974-7148
Fax: 865-974-6497
amuir@tennessee.edu
www.cosdonline.org

COSD is a unique national association of higher education institutions, well-known national corporate employers, U.S. government agencies, and private sector nonprofit organizations focused on career employment of college graduates with disabilities.

■ **Employer Assistance and Recruiting Network (EARN)**

1-866-327-6669 (EARN-NOW) (V/TTY)
Fax: 703-448-7545
<http://www.earnworks.com/>

EARN is a national toll-free telephone and electronic information referral service designed to assist employers in locating and recruiting qualified workers with disabilities. EARN, which is a service of the Office of Disability Employment Policy, can also provide technical assistance on general disability employment-related issues.

■ **Job Accommodation Network (JAN)**

TTY at 1-800-526-7234 or 1-800-ADA-WORK (1-800-232-9675)
<http://www.jan.wvu.edu/>

JAN is a toll-free information and referral service on job accommodations for people with disabilities, on the employment provisions of the Americans with Disabilities Act, and on

resources for technical assistance, funding, education, and services related to the employment of people with disabilities. In addition, JAN analyzes trends and statistical data related to the technical assistance it provides.

■ **Rehabilitation Engineering & Assistive Technology Society of North America (RESNA)**

1700 North Moore Street, Suite 1540
Arlington, VA 22209-1903
703-524-6686
703-524-6639 (TTY)
Fax: 703-524-6630
<http://www.resna.org/>

RESNA is an interdisciplinary professional association dedicated to assistive technology for persons with disabilities. The purpose is to improve the potential of persons with disabilities and to assist with achieving their goals through technology.

■ **The Office of Disability Employment Policy**

U.S. Department of Labor

200 Constitution Avenue, NW
Washington DC 20210
1-866-ODEP-DOL (633-7365)
1-877-889-5627 (TTY)
<http://www.dol.gov/cgi-bin/contactus.asp?agency=odep>

The Office of Disability Employment Policy provides national leadership by developing and influencing disability related employment policy and practice affecting the employment of people with disabilities.

■ **U.S. Equal Employment Opportunity Commission**

1801 L Street, NW
Washington, DC 20507
202-663-4900
202-663-4494 (TTY)

The EEOC publication entitled *Reasonable Accommodations for Attorneys with Disabilities* can be found at <http://www.eeoc.gov/facts/accommodations-attorneys.html>.

About NALP

Founded in 1971 as the National Association for Law Placement, **NALP — The Association for Legal Career Professionals** — is a nonprofit alliance of ABA-accredited law schools and legal employers. NALP is dedicated to facilitating legal career counseling and planning, recruitment and retention, and the professional development of law students and lawyers.

NALP's website, **www.nalp.org**, includes a bookstore with a variety of career planning resources, as well as featuring NALP research on the legal employment market. NALP also offers three additional websites: **www.nalpdirectory.com** (the online *NALP Directory of Legal Employers*), **www.nalplawsonline.com** (the online *NALP Directory of Law Schools*), and **www.pslawnet.org** (which features paid and volunteer public service opportunities for law students and lawyers).

This booklet was first written by Gerald A. Beechum, formerly of the University of Missouri-Columbia School of Law, on behalf of the NALP Employment Diversity Committee in 1999, and then revised by Mr. Beechum in 2006. Assistance and advice with this second edition was also offered by Mary N. Birmingham of the University of Arizona James E. Rogers College of Law, Alan D. Muir of Career Opportunities for Students with Disabilities, and Margaret Roffee of the Office of Disability Employment Policy of the U.S. Department of Labor.

As stated in the introduction, this publication is not intended as legal advice — nor as a substitute for the necessity of employers seeking a thorough understanding not only of the Americans with Disabilities Act but also of all other federal, state, and municipal laws governing the interviewing and employment process.



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Contact Information and Resources

For more information on NALP research findings, contact NALP Director of Research Judith Collins at 202-835-1001 or jcollins@nalp.org.

Information on NALP research findings can also be found under “Research & Statistics” at www.nalp.org.

The *NALP Directory of Legal Employers* is online at www.nalpdirectory.com or can be purchased in print through the online bookstore at www.nalp.org.

Findings from NALP’s annual Employment Report and Salary Survey are presented in an annual report entitled *Jobs & JD’s: Employment and Salaries for New Law Graduates*, which can be purchased through the online bookstore at www.nalp.org. The report for the Class of 2008 will be available in July 2009.

Print copies of *Interviewing Tips for Law Students with Disabilities and Employers Who Recruit Them* — a 20-page booklet reproduced as part of this handout — can be ordered from the online bookstore at www.nalp.org. A PDF for one-time use can be ordered by calling 202-835-1001.

